

**IAP7 Rec'd PCT/PTO 04 MAY 2006**

Express Mail: EV 630723233 US

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicants: Carcy *et al.*  
Serial No.: 10/563,601 (National Phase entry under 35 U.S.C. § 371 of  
PCT/EP2004/051454, filed July 12, 2004)  
Confirmation No.: 8856  
Group Art Unit: to be assigned  
Examiner: to be assigned  
For: Babesia Vaccines  
Attorney Docket: I-2003.005 US

**May 4, 2006**

**RESPONSE TO MISSING REQUIRMENTS**

**Mail Stop: PCT**  
Commissioner of Patents  
P.O. Box 1450  
Alexandria, VA 22313

Sir/Madam:

Enclosed in response to the Notification to File Missing Parts in the above-identified application is, as requested, a copy of the Oath and Declaration.

***Fees***

The Notification identifies the following two fees: i) \$130.00 surcharge for late submission of an oath or declaration and ii) \$100.00 additional claims fees.

Applicants are filing herewith a Preliminary Amendment making amendments to the claims. After entry of this Preliminary Amendment, only 21 claims are pending, of which only two are independent and none are multiply dependent. Hence, Applicants believe that only \$50.00 is owed for excess claims fees. See 37 C.F.R. 1.16(i). Thus, Applicants believe that a total of \$180.00 in fees are due.

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Appl. No. 10/563,601  
Attorney Docket: I-2003.005 US  
Response to Missing Requirements of April 18, 2006

Applicants hereby authorize the Commissioner to charge \$180.00 in fees in response to the Notification of Missing Requirements to Deposit Account No. **02-2334**.

***Authorization to Charge Additional Fees***

Applicants do not believe that they owe any additional fee in connection with this filing. If, however, Applicants do owe any such fee(s), the Commissioner is hereby authorized to charge the fee(s) to Deposit Account No. **02-2334**. In addition, if there is ever any other fee deficiency or overpayment under 37 C.F.R. §1.16 or 1.17 in connection with this patent application, the Commissioner is hereby authorized to charge such deficiency or overpayment to Deposit Account No. **02-2334**.

Applicants submit that this application is in condition for allowance, and request that it be allowed. The Examiner is requested to call the undersigned if any issues arise that can be addressed over the phone to expedite examination of this application.

05/12/2006 ATRASH1 00000141 022334 10563601

01 FC:1617 130.00 DA  
02 FC:1615 50.00 DA

Respectfully submitted,



Aaron L. Schwartz  
Reg. No. 48,181  
Patent Counsel

Intervet Inc.  
Patent Department  
P.O. Box 318  
29160 Intervet Lane  
Millsboro, DE 19966  
(302) 933-4034 (tel)  
(302) 934-4305 (fax)

ALS:dap

Enclosure



## UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
 United States Patent and Trademark Office  
 Address: COMMISSIONER FOR PATENTS  
 P.O. Box 1450  
 Alexandria, Virginia 22313-1450  
 www.uspto.gov

U.S. APPLICATION NUMBER NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/563,601	Bernard Pierre Dominique Carcy	I-2003.005
INTERNATIONAL APPLICATION NO.		
PCT/EP04/51454		
I.A. FILING DATE	PRIORITY DATE	
07/12/2004	07/10/2003	

31846  
 INTERVET INC.  
 PATENT DEPARTMENT  
 PO BOX 318  
 MILLSBORO, DE 19966-0318

CONFIRMATION NO. 8856

371 FORMALITIES LETTER



\*OC000000018559855\*

Date Mailed: 04/18/2006

### NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated / Elected Office (37 CFR 1.495).

- Copy of the International Application filed on 01/06/2006
- Copy of the International Search Report filed on 01/06/2006
- Information Disclosure Statements filed on 01/06/2006
- Biochemical Sequence Diskette filed on 01/06/2006
- Biochemical Sequence Listing filed on 01/06/2006
- U.S. Basic National Fees filed on 01/06/2006
- Priority Documents filed on 01/06/2006
- Specification filed on 01/06/2006
- Claims filed on 01/06/2006
- Abstracts filed on 01/06/2006
- Drawings filed on 01/06/2006

The applicant needs to satisfy supplemental fees problems indicated below.

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Additional claim fees of \$100 as a non-small entity, including any required multiple dependent claim fee, are required. Applicant must submit the additional claim fees or cancel the additional claims for which fees are due.
- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date.
- To avoid abandonment, a surcharge (for late submission of filing fee, search fee, examination fee or oath

or declaration) as set forth in 37 CFR 1.492(h) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.

# SUMMARY OF FEES DUE:

Total additional fees required for this application is \$230 for a Large Entity:

- **\$130** Surcharge.
- Total additional claim fee(s) for this application is \$ 100
  - \$100 for 2 total claims over 20.

**ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 32 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.**

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

*A copy of this notice **MUST** be returned with the response.*

VONDA M WALLACE

Telephone: (703) 308-9140 EXT 225

## PART 1 - ATTORNEY/APPLICANT COPY

U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
10/563,601	PCT/EP04/51454	I-2003.005

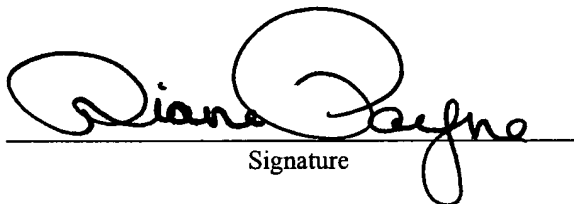
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**Certificate of Mailing under 37 CFR 1.8**

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as **Express Mail EV 630723233 US** mail in an Express Mail envelope addressed to:

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on May 4, 2006.  
Date



Signature

Diane Payne  
Typed or printed name of person signing Certificate

Note: Each paper must have its own certificate of mailing, or this certificate must identify each submitted paper.

**Applicant: Carcy *et al.***  
**Serial No: 10/563,601**  
**International Filing Date: July 12, 2004**  
**Customer No.: 31846**  
**Attorney Docket: I-2003.005 US**

Receipt acknowledged of the following documents in the above-identified application:

Response to Missing Requirements (2 pages)  
Preliminary Amendment (8 pages)  
Declaration and Power of Attorney (8 pages)  
Copy of Notification of Missing Requirements of 4/18/2006 (2 pages)  
Self-addressed stamped post card (1)